

SECTION 9.7: "AE-40" EXCLUSIVE AGRICULTURAL ZONE

40 ACRE MINIMUM

(Added by Ord. No. 1946, effective 8-12-76)

PURPOSE

- A.** The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations. The purpose of this zone is as follows:
1. To protect the general welfare of the agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community and the community at large.
 2. To prevent or minimize the negative interaction between various agricultural uses.
 3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.
 4. To disburse intensive animal agricultural uses in order to avoid air, water or land pollution otherwise resulting from compact distributions of such uses.
 5. To provide for a minimum parcel standard which is appropriate for areas where soil capability and cropping characteristics are such that a breakdown of land into units of less than forty (40) acres would adversely affect the physical and economic well-being of the agricultural community and the community at large.
 6. To function as a holding zone within Urban Area Boundaries as designated by the General Plan whereby land may be retained in agricultural use until such time as conditions warrant conversion of such land to urban use.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, forty (40) acres.

USE

- B.** No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. One (1) single family residence or mobilehome for the entire contiguous property owned by one (1) person, firm,

partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.

2. In addition to the residence allowed under Paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee, by farmworkers or by employees who work on the property, provided that the total number of farmworkers and employees shall not exceed nine (9) at any time. Housing for ten (10) or more farmworkers and employees may be allowed under the Use Permit procedures set forth in Section 16 of this Ordinance. However, if the property is less than twenty (20) acres and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives, farmworkers and employees may be allowed under the Use Permit procedures set forth in Subsection E of this section. (Amended by Ord. No. 3009, effective 9-24-92.)
3. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, storage and use of petroleum products, and kennels for private, non-commercial use. (Amended by Ord. No. 2828, effective 3-31-88.)
4. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms which requires a use permit under subsection E of this section.
5. The growing and harvesting of field crops, grain and hay crops and the growing of grass for pasture and grazing.
6. The raising and slaughter of poultry up to a maximum of

three (3) birds for each 1,300 square feet in the entire property. and not to exceed a total of 500 birds in all, unless a use permit has been secured as required under Subsection E of this section.

7. The raising and slaughter of rabbits and other similar fur-bearing animals. The maximum number of mature animals allowed on any parcel shall not exceed 120 unless a use permit has been secured as required under subsection E of this section. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
8. The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds. The total number of such animals on the property shall not exceed two (2) mature animals for each acre in the entire property, unless a use permit has been secured as required under subsection E of this section or under Paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than 25 animals may be permitted unless a use permit has been secured as required under subsection E of this section or under Paragraph B of Part II of Section 16 of this Ordinance.
9. Fish farming operations for the raising and harvesting of fish as a crop but not including fishing clubs or fishing for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection E of this section.
10. Game preserve, private or public, but not including hunting clubs or hunting for members of the general public on a commercial basis, unless a use permit has been secured as required under subsection E of this section.
11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. Plant nursery, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
14. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the

retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted.

As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)

15. Signs which pertain only to a permitted use on the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. Temporary landing of aircraft engaged in agricultural uses.
17. (Repealed by Ord. No. 2720, effective 8-5-86.)
18. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. Biomass fuel manufacture for personal use. (Added by Ord. No. 2350, effective 7-31-80.)
20. Apiary and honey extraction plant. (Added by Ord. No. 2416, effective 5-28-81.)
21. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81.)
22. The storage and/or handling of agricultural chemicals for on-farm, noncommercial use only. (Added by Ord. No. 3131, effective 10-12-95.)
22. Land spreading of biosolids, provided that no portion of

the property proposed for land spreading is located (a) within an Urban Improvement Area, Urban Development Boundary, or Urban Area Boundary adopted pursuant to the Urban Boundaries Element of the General Plan; (b) within six hundred and sixty feet (660') of said Area or Boundary; or (c) east of the easterly boundary of the Rural Valley Lands Plan Policy Area adopted pursuant to the Rural Valley Lands Plan. (Added by Ord. No. 3165, effective 7-25-96.)

- 23. Bed and Breakfast Home with one or two guest rooms. (Added by Ord. No. 3222, effective 4-22-99.)
- 24. Family Day Care Home, small. (Added by Ord. No. 3222, effective 4-22-99.)

**PROHIBITION OF
SUBDIVISIONS**

- C. (Repealed by Ord. No. 2750, effective 1-15-87.)

**DIVISIONS OF
LAND**

- D. All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-40 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than forty (40) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than forty (40) acres at the time AE-40 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7-01-1000 - 7-01-2855 of the Ordinance Code of Tulare County. Amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS

- E. Because of consideration of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant

to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:

1. Agricultural chemicals: manufacturing and/or commercial storage and/or handling. (Amended by Ord. No. 3131, effective 10-12-95.)
2. Agricultural dehydrator with more than a combined total of one hundred (100) horsepower in all motors used.
3. (Repealed by Ord. No. 2416, effective 5-28-81.)
4. Asphalt manufacturing and refining.
5. Brick, tile and terra cotta manufacturing; provided that the manufacturing shall be allowed only if conducted proximate to the source of the raw material and in conjunction with a mining operation. (Amended by Ord. No. 3131, effective 10-12-95.)
6. Concrete products manufacturing.
7. Cotton gin and oil mill.
8. Feed lot for more than twenty-five (25) animals.
9. Feed mill with more than a combined total of one hundred seventy-five (175) horsepower in all motors used.
10. Fertilizer manufacturing.
11. Fish smoking, curing and canning.
12. Guest ranch or summer camp, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
13. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the general public, provided that the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
14. Manufacture of irrigation pipe and accessory equipment and agricultural machinery, equipment, implements and

containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; readopted by Ord. No. 2520, effective 2-24-83.)

15. Mushroom growing.
16. Olive processing plants.
17. Petroleum products: manufacturing and wholesale storage; provided that the manufacturing and wholesale storage shall be allowed only if conducted proximate to the source of the petroleum material and in conjunction with an extraction operation. (Amended by Ord. No. 3131, effective 10-12-95.)
18. Potash works; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
19. Quarry and stone mill; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7-25-1000 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
20. Raising or slaughter of poultry when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 500 birds in all, are on the property at any time.
21. Raising or slaughter of rabbits or other fur-bearing animals when a total of more than 120 mature animals are on the property at any time.
22. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property are on the property at any time.
23. Residences or mobilehomes in excess of those allowed

under Paragraph 2 of subsection B of this section, for use by the persons specified in said Paragraph 2 of subsection B.

24. Rock crusher and distribution of rock, sand and gravel.
25. Saw mill, shingle mill or box shook mill; provided that, for a new facility (not to include expansions of, or re-establishments of, existing facilities), the site complies with Subsection F of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 3131, effective 10-12-95.)
26. Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section.
(Amended by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 2692, effective 2-27-86.)
27. Seed cleaning and treating plants.
28. Sewage treatment plant and disposal area.
29. Slaughterhouse.
30. Stockyard.
31. Winery.
32. Similar uses when determined in the manner prescribed in Section 15, Paragraph A, USE subparagraph 1, item b.
33. Divisions of land as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than forty (40) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than forty (40) acres for the purpose of establishing new agricultural-related industries or

services in accordance with all applicable building and zoning regulations.

34. Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Added by Ord. No. 2720, effective 8-5-86.)
35. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)
36. Agricultural chemical experiment stations. (Added by Ord. No. 2720, effective 8-5-86.)
37. Plant nursery: the retail sales of trees, shrubs, vines, flowers or grasses propagated for transplanting or for use as stock for grafting, providing said retail sales are incidental to a wholesale plant nursery, and providing the area dedicated to retail sales of non-plant stock accessory items necessary for propagation and grafting may be allowed in an area up to five percent (5%) of the total square footage in the site area. (Added by Ord. No. 3200, effective 2-26-98)

**FENCES, WALLS
AND HEDGES**

- F.** Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

**YARD
REQUIREMENTS**

- G.**
1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 3. Side Yards: The minimum side yard shall be ten (10) feet

except along those streets and highways where a greater setback is required by other Ordinances of the County.

4. Required yard areas may be used for growing of agricultural crops and accessory structures necessary for the conveyance of water for irrigation purposes.

HEIGHTS OF STRUCTURES

- H. Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to sections 7-13-1000 - 7-13-1085 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES

- I. The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-40 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.